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Patent

Customer No.: 006980

Docket No. DINK1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of )  
DINKEL, Jeffrey ) Group Art Unit: 3637  
Serial No.: 09/829,256 ) Examiner: Phi Dieu Tran A  
Filed: 9 April 2001 )  
For: **ASYMMETRICAL CONCRETE** )  
**BACKERBOARD (AND METHOD FOR** )  
**MAKING SAME** )

**RESPONSE AND AMENDMENT AFTER FINAL REJECTION****MAIL STOP AF**

Honorable Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Atlanta, GA 30308-2216

8 August 2003

Sir:

The *Office Action*, marked Final, Paper No. 8, Examiner Phi Dieu Tran A of Art Unit 3637, dated 23 June 2003, has been received and carefully reviewed. In response thereto, Applicant amends Claims to better clarify the patentable distinctions between the cited prior art and the present invention, and respectfully submits that the cited references neither teach nor suggest the present invention.

Applicant further submits that the following amendments place the Application in condition for allowance and/or place the Application in better form for appeal. The amendments *do not* raise new matter issues or raise issues requiring further consideration or searches. It is respectfully requested that the Examiner reconsider the pending *Final Office Action* for the following reasons and remarks.

PTO/SB/97 (08-03)

Approved for use through 07/31/2003. OMB 0851-0031  
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each submitted paper.Applicant: DINKEL, JeffreyGroup Art Unit: 3637Serial No.: 09/829,256Examiner: Phi Dieu Tran, A.Filing Date: 9 April 2001Docket No.: DINK1Title: ASYMMETRICAL CONCRETE BACKERBOARD AND METHOD FOR  
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**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/03, patent fees are subject to annual revision

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$375.00)****Complete if Known**

Application Number	09/829,256
Filing Date	9 April 2001
First Named Inventor	DINKEL, Jeffrey
Examiner Name	Phi Dieu Tran, A.
Art Unit	3637
Attorney Docket No	DINK1

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number: 20-1507

Deposit Account Name: TROUTMAN SANDERS LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account
**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee	Entity Fee	Small Fee	Entity Fee	Fee Description	Fee Paid
Code	(\$)	Code	(\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>					

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Extra Claims Fee from Fee Paid below

Total Claims:  - 20\*\* =  X  =

Independent Claims:  - 3\*\* =  X  =

Multiple Dependent:  =

Large Fee	Entity Fee	Small Fee	Entity Fee	Fee Description
Code	(\$)	Code	(\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>				

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for examination	
1804	920*	1804	920*	Requesting publication of SIR after Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or Reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Response to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1806	180	1806	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	375
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 375.00)****SUBMITTED BY**

Name (Print/Type): Ryan A. Schneider

Signature: 

Registration No. (Attorney/Agent): 45,083

**Complete (if applicable)**

Telephone: 404-885-2773

Date: 4 September 2003

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